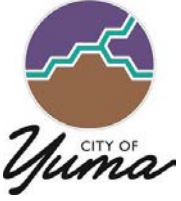


**Notice of Public Hearing of the
Hearing Officer of The City of Yuma**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Hearing Officer of the City of Yuma and to the general public that the Hearing Officer will hold a hearing open to the public on April 22, 2021 at 9:30 a.m. in City Council Chambers, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:

	Agenda Hearing Officer Public Hearing City Hall Council Chambers <i>One City Plaza</i> Thursday, April 22, 2021 9:30 a.m.
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Consistent with the March 13, 2020 Arizona Attorney General informal opinion Relating to Arizona's Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the meetings of the City of Yuma Hearing Officer will be conducted with limited public, in-person access, consistent with social distancing requirements.

City Hall Council Chambers will be open with limited public access.

Public comment regarding any **agenda** item can be provided in written format to the Hearing Officer secretary at email address planning@yumaaz.gov no later than 15 minutes prior to the start of the scheduled meeting. Comments received timely will be read into the record when the referenced agenda item is discussed.

CALL TO ORDER

CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Hearing Officer or a member of the audience wishes to speak about an item.

APPROVAL OF MINUTES

- April 8, 2021

APPLICATIONS TO BE CONSIDERED

1. **VAR-34088-2021:** *This is a request by Mark DeAnda, on behalf of Markal Investments, Inc., for a variance to allow single-family dwellings on two lots of 5,320 square foot each, which is less than 6,000 square feet minimum; and to allow three lots of less than the 50 foot minimum width. The property is located at 780 S. 2nd Avenue, Yuma, AZ.*

ADJOURN

A copy of the agenda for this meeting may be obtained at the office of the City Clerk at City Hall, One City Plaza, Yuma, Arizona, 85364, during business hours, Monday through Friday, 8:00 A.M. to 5:00 P.M. In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, PO Box 13012, Yuma, AZ 85366-3012; (928) 373-5125 or TTY (928) 373-5149

**Hearing Officer Meeting Minutes
April 8, 2021**

A meeting of the City of Yuma's Hearing Officer was held on April 8, 2021, at City Hall Council Chambers, One City Plaza, Yuma, AZ.

HEARING OFFICER in attendance was Sonia Ramirez.

CITY OF YUMA STAFF MEMBERS present included Rodney Short, Deputy City Attorney; Randall Crist, Interim DCD Director; Alyssa Linville, Assistant Director/Zoning Administrator; Chad Brown, Associate Planner; Amelia Griffin, Associate Planner; Erika Peterson, Assistant Planner and Alejandro Marquez, Administrative Assistant.

Ramirez called the meeting to order at 9:35 a.m.

CONSENT CALENDAR

Ramirez approved the minutes of March 11, 2021.

PUBLIC HEARINGS

VAR-33872-2021: *This is a request by Anne-Marie Mirante and Richard Fay for a Variance to reduce the side setbacks from 7' to 3'5", the rear yard setback from 10' to 7'4", and increase the allowable height for accessory structures from 15' to 18' for two RV shade structures and two storage trailers in the Recreational Vehicle Subdivision (RVS) District, for the property located at 9732 E. 38th Lane, Yuma, Arizona.*

Erika Peterson, Assistant Planner, summarized the staff report recommending **DENIAL**.

QUESTIONS FOR STAFF

Ramirez asked if there had been any other variances approved in this area. **Peterson** replied yes. **Ramirez** went on to say that the applicant stated in the Staff Report that most of the structures in this area did not comply with Zone or Fire Codes set by the City, then asked if that was true. **Peterson** said yes. **Ramirez** then asked if the applicants had hired a Structural Engineer. **Peterson** replied she believes that the applicant had spoken to an engineer. **Ramirez** was concerned about the rain runoff from the awnings on the property affecting the integrity of a nearby wall. **Randall Crist** replied that he had spoken to the applicants about removing the awnings because of the damage that could be done to the wall and adjacent properties. **Ramirez** asked if there was any similar structures in the area. **Crist** replied that he could not accurately answer that question. **Ramirez** then asked if the City would be satisfied if the applicant complied with all the Conditions of Approval. **Peterson** answered that the City would be satisfied if the applicants removed the awnings, had a Structural Engineer design the R.V shade structures to meet City specifications and followed all the Conditions of Approval in Attachment A.

APPLICANT/APPLICANTS REPRESENTATIVE

Richard Fay & Anne-Maria Mirante, 9732 E. 38th Lane Yuma AZ, 85364, were present and available for questions.

Ramirez asked if both parties had an understanding of the Conditions of Approval in Attachment A. **Fay** replied yes. **Mirante** also replied yes.

OPEN PUBLIC COMMENT

Gary Keiser objected to the aesthetics of the proposed project and opposed the Variance.

DECISION

Ramirez granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

VAR-33941-2021: *This is a request by Guy C. Gale, on behalf of GCG Investments LLC, to reduce the front yard setback from 20' to 0' to allow a fence along the front property line, in the Light Industrial District/Infill Overlay (L-I/O) District, for the property located at 953 S. 3rd Avenue, Yuma, AZ.*

Amelia Griffin, Associate Planner, summarized the staff report recommending **DENIAL** of the request for a chain link fence along the front property line, however recommending **APPROVAL** of the request for a solid wall along the front property line.

QUESTIONS FOR STAFF

Ramirez asked whether chain link or a solid, would the location of the wall be the same. **Griffin** answered yes. **Ramirez** asked why the approval of a solid wall rather than a chain link fence. **Griffin** replied that it was more for screening purposes.

APPLICANT/APPLICANTS REPRESENTATIVE

Guy C Gale 953 S. 3rd Avenue Yuma AZ, 85364, stated that he was in agreement to build a solid wall instead of a chain link fence.

OPEN PUBLIC COMMENT

None

DECISION

Ramirez granted the variance, in accordance with Staff's recommendation, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

VAR-33894-2021: *This is a request by Ronald Pailliotet, on behalf of the City of Yuma, for a variance to reduce the minimum square feet of lot area per multi-family unit from 2,000 square feet to 600 square feet and to eliminate the requirement for on-site parking for a proposed rooftop restaurant in the Old Town (OT) District, for the property located at 46 W. 2nd Street, Yuma, AZ.*

Rodney Short, Deputy City Attorney, noted that **Ramirez** was not able to hear the case, due to a conflict of interest, and the case would to be continued to a different hearing date. He then stated that Staff would give a brief report, and that the case would be open for public comment.

Alyssa Linville, Assistant Director DCD, summarized the staff report.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANTS REPRESENTATIVE

Ronald Pailliotet 4555 W. La Quinta Loop Yuma AZ, 85364, gave a brief description of the proposed project and then made himself available for questions.

OPEN PUBLIC COMMENT

Jim Smith 38 W. 2nd Str. Yuma AZ, 85364, expressed concern about the parking surrounding the proposed multi-family apartment structure.

Ricky Good 38 W. 2nd Str. Yuma AZ, 85364, expressed concern about the parking in the downtown area.

Christine McConnaughay 331 S. Madison Ave. Yuma AZ, 85364, expressed concern about parking in the downtown area.

Neely Tomkins 78 W. 2nd Str. Yuma AZ, 85364, expressed concern about the parking in the downtown area.

Ed Bently 67 W 2nd Str. Yuma AZ, 85364, expressed concern about parking in the downtown area.

Clint Harrington 2975 S. Ave. B Yuma AZ, 85364, commented on revitalizing the downtown area and future development.

Christopher Thompson 675 W. 16th Str. Yuma AZ, 85364, stated that they are aware of the parking situation and commented on how the proposed project would improve the appearance of the downtown area.

Pailliotet thanked all the business owners for their comments.

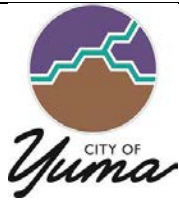
DECISION

VAR-33894-2021 was continued to the Hearing Officer Meeting of May 13, 2021.

Ramirez adjourned the meeting at 10:45 a.m.

Minutes approved and signed this _____ day of _____, 2021.

Hearing Officer



**STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – VARIANCE
Case Planner: Bob Blevins**

Hearing Date:

APRIL 22, 2021

Case Number:

VAR-34088-2021

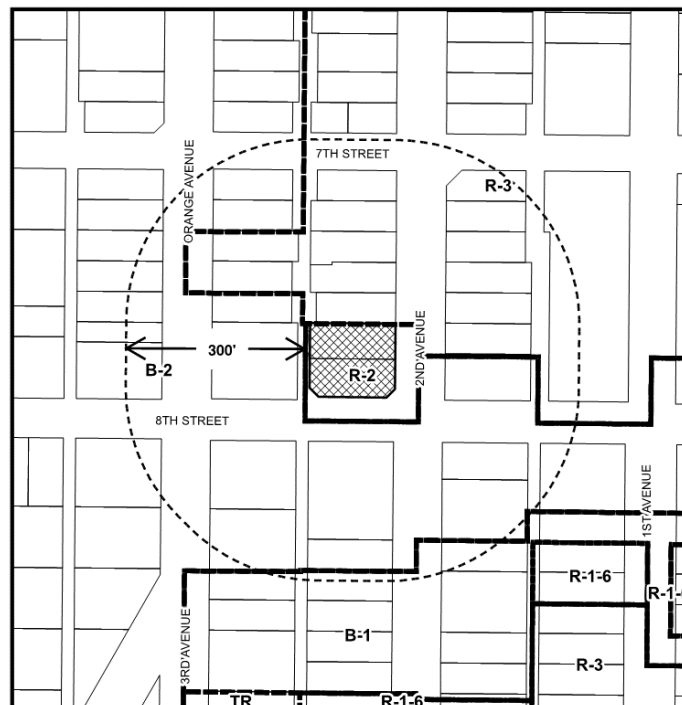
Project

Description/Location:

This is a request by Mark DeAnda, on behalf of Markal Investments, Inc., for a variance to allow single-family dwellings on two lots of 5,320 square foot each, which is less than the 6,000 square feet minimum; and to allow three lots of less than the 50 foot minimum width. The property is located at 780 S. 2nd Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Medium Density Residential/Infill Overlay (R-2/IO)	Vacant	High Density Residential
North	High Density Residential/Infill Overlay (R-3/IO)	Residential	Mixed Use
South	General Commercial/Infill Overlay (B-2/IO)	Auto Repair	Mixed Use
East	High Density Residential/General Commercial/Infill Overlay (R-3/B-2/IO)	Residential / Offices	Mixed Use
West	General Commercial/Infill Overlay (B-2/IO)	Clothing Store	Mixed Use

Location Map:



Prior site actions: Annexation: City Charter (1915); General Plan Amendment: GP2011-003; Rezone: Z88-2, Z2021-004; Lot Split: LS2010-011.

Staff recommendation:

Staff recommends **DISAPPROVAL** of the request to allow single-family dwellings on two lots of 5,320 square foot each, which is less than the 6,000 square feet minimum; and to allow three lots of less than the 50 foot minimum width in the Medium Density Residential (R-2) District, because it does not meet one of the four criteria of §154-.03.04 of the Yuma City Code.

If the Hearing Officer were to **APPROVE** these variances, staff requests the Conditions of Approval in Attachment A be made part of the approval.

Have there been any other variance requests of a similar nature in the vicinity and zoning district? No.

Staff Analysis:

The subject property is vacant land at the northwest corner of 8th Street and 2nd Avenue. Public right-of-way is adjacent on the east and south, with a twenty foot wide unimproved alley on the west side of the property. Ten feet of alley was abandoned back to the property owner with Fee# 2011-11971, which increased the depth of the subject properties by ten feet, for a total depth of 140.28 feet at the present time.

Previously- the properties were two lots of unequal width. The Markal Investments Inc. Lot Split – Lot Tie (Fee# 2011-13010) created two lots of equal width. Now the property owner is proposing to tie and split these lots again, with the result being three lots with widths of: 38 feet, 38 feet, and 44.66 feet, where the minimum width is 50 feet. This would be a reduction of 12 feet (a 24% reduction) on two lots; and a reduction of 5.33 feet (an 11% reduction) on the southernmost lot.

The width of a lot is measured at the front yard setback, in this case twenty feet back from the property line along 2nd Avenue. The Infill Overlay allows some reductions in the front yard setback to assist new homes to meet the physical and aesthetic appearance of established historic neighborhoods. The property owner proposes three new homes, one on each lot, at 15 feet from the front property line. This setback allowance has no effect on the lot width or these variance requests and is only mentioned since it is shown on the site plan.

There may be the opportunity for accessory dwellings on each lot, and the applicant included some conceptual floor plans showing a studio apartment with the detached garage. The garages will have direct alley access.

If these variances were to be granted, the approval would not waive any required Building Safety or Fire Department building separations needed for emergency access and to lessen the spread of fires.

Additionally- the property owner is requesting a decrease in the minimum parcel size for two of the lots from the required 6,000 square feet to 5,320 square feet- a reduction of 680 feet (an 11% reduction). The third lot, the southernmost at the corner would not require a variance in the minimum parcel size as it is planned at 6,039 square feet.

Required and Requested Width and Square Footage:

Lot #	Required Width ft.	Requested Width ft.	Required Min. sq. ft.	Requested sq. ft.
1	50	38	6,000	5,320
2	50	38	6,000	5,320
3	50	44.66	6,000	n/a (meets min.)

1. Does the proposed variance meet the criteria of §154-03.04(D)(1) of the Yuma City Code?

A) “There is a special circumstance(s) or condition(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district.”

Is this statement correct for this application?

☒ Yes

☐ No

Applicant Response: “Yes, The properties are located in the Infill Overlay District (IO) that encourages infill development. The overlay district provides incentives for infill development. However, incentives to allow a lot size and lot width reduction were not provided.”

Staff Analysis: The special circumstances on this property include being a corner lot at a well-traveled intersection, somewhat limiting access possibilities. In support of a reduction in the lot width (on all three lots) and lot size (on two of the lots) are the lack of existing driveways off of 2nd Avenue, and unrealistic on-street parking on busy 8th Street.

The requested narrow lot width would be acceptable, since no driveways are requested along 2nd Avenue. Preserving on-street parking with fewer curb cuts maintains the character of this neighborhood, allowing for several vehicles to be parked on 2nd Avenue, which would not interfere with any driveways. The impracticality of relying on the somewhat distant on-street parking for two of the proposed lots along mostly-commercial 8th Street is also a concern.

This neighborhood has many homes built 100 years ago (or older) and staff could find only one lot of less than the originally-platted 50 feet in width. While the specific width requested is less than others in the area, many of those other older homes do not meet side yard setbacks anyway, so the new homes effectively have the same visual impact: homes closely spaced.

B) “The special circumstance was not created or caused by the property owner or applicant.”

Is this statement correct for this application?

☐ Yes

☒ No

Applicant Response: “Yes, the special circumstance was not created by the property owner. The infill incentive plan was created by the City of Yuma to encourage infill development.”

Staff Analysis: The existing two lots meet zoning dimensional standards and were created in 2011 by Markal Investments, the present owner. The desire to split the two lots into three lots by the present owner is causing the request for variances. However, if approved, the build-out of three homes on these lots would not be out-of-character with this historic neighborhood of closely-spaced homes.

C) “The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.”

Is this statement correct for this application?

☒ Yes

☐ No

Applicant Response: “Yes, most of the surrounding properties are single family dwellings and the zoning district allows a density of one unit per 4,000 square feet. The proposed project will be within the density requirements since all the lots will be at least 5,500 square feet in size. The lot size and lot width reduction will allow the property owner to build three single family dwellings like most of the surrounding properties.”

Staff Analysis: Being on a busy corner with adjacent commercial operations, the subject property has some disadvantages. Some other residential homes nearby have driveways on 2nd Avenue, providing safety and convenience for their occupants away from the traffic on 8th Street.

It would be somewhat unsafe to allow additional driveways on 8th Street, and without any existing non-conforming driveways on 2nd Avenue for vehicular access, the options for these proposed lots are limited to the alley only. Fortunately, the alley is of sufficient width and condition to use as vehicular access and parking for all three proposed lots.

The surrounding residential zoning is High Density Residential (R-3) which allows a greater density than the R-2 zoning on the subject property, yet almost all homes are single-family on lot of 7,000 square feet or more. The subject property was rezoned at the request of the property owners from General Commercial (B-2) to Medium Density Residential (R-2) in 2010.

D) “The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.”

Is this statement correct for this application?

☒ Yes

☐ No

Applicant Response: “If the variance is granted the proposed project will comply with the rest of the development standards of the zoning district and the infill overlay district to prevent any possible problem with the public health, safety and general welfare to the adjacent neighbors.”

Staff Analysis: Granting these variances will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.

2. Are any of the adjacent property owners opposed to this request? No.

Public Comments Received:

One Comment Received, see Attachment E.

External Agency Comments:

None Received

Neighborhood Meeting Comments:

No Meeting Required.

Proposed conditions delivered to applicant on: April 6, 2021

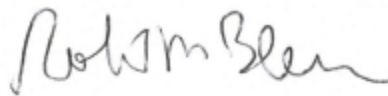
Final staff report delivered to applicant on: April 13, 2021

<input checked="checked" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: April 6, 2021
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	(If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.)

Attachments

A	B	C	D	E	F	G
Conditions of Approval	Site Plan	Concepts of Homes	Agency Notifications	Public Comment	Site Photos	Aerial Photo

Prepared By:
Robert M. Blevins
Principal Planner



Date:

4/6/21

Robert.Blevins@yumaaz.gov (928) 373-5189

Approved By:
Alyssa Linville,
Assistant Director Community Development



Date:

4/08/21

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed variance for the site:

**Department Of Community Development Comments: Alyssa Linville, Assistant Director
Community Development, (928) 373-5000 x 3037:**

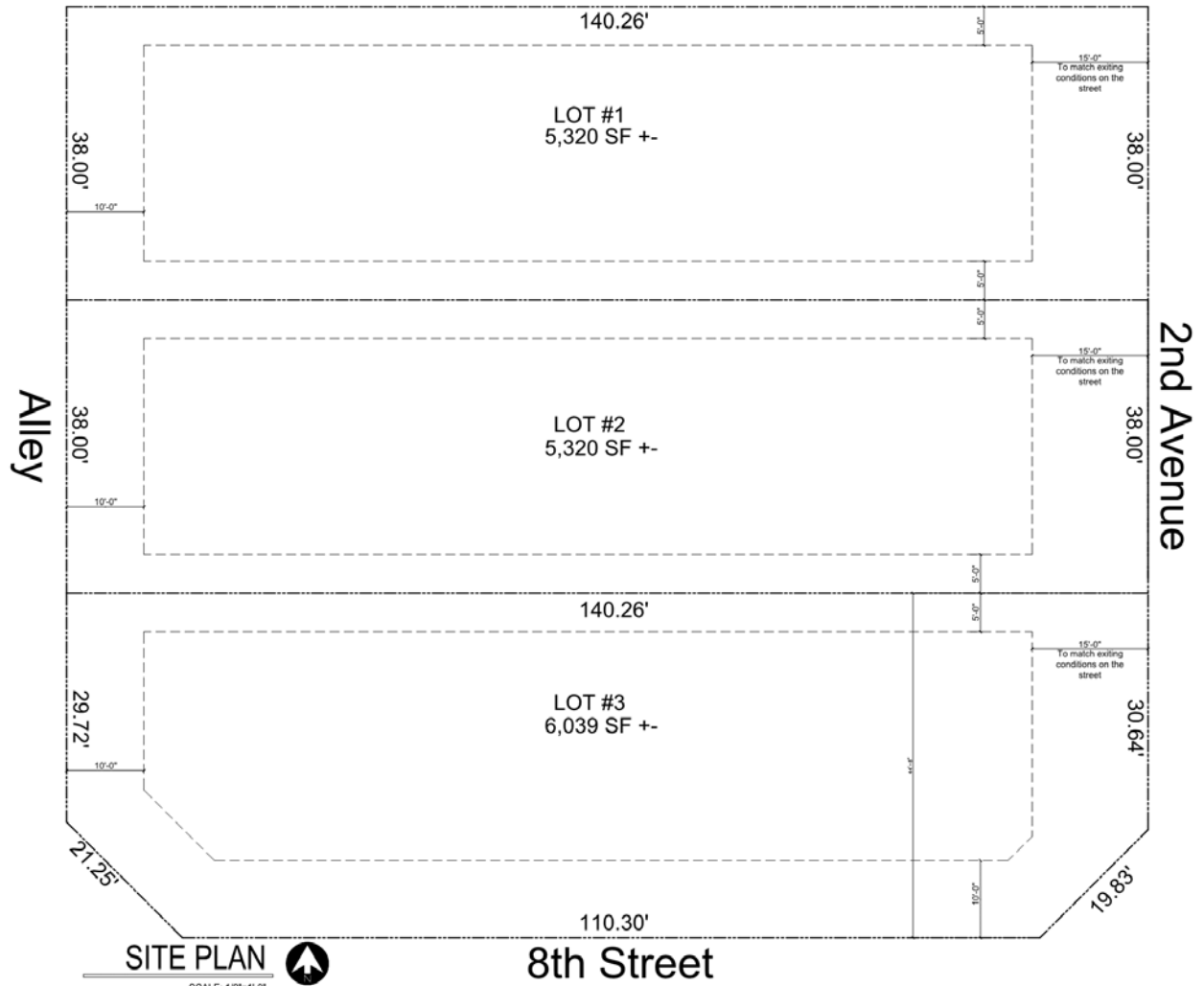
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

Community Planning: Robert M. Blevins, Principal Planner (928) 373-5189:

3. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
4. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
5. Prior to the expiration date of the Variance, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

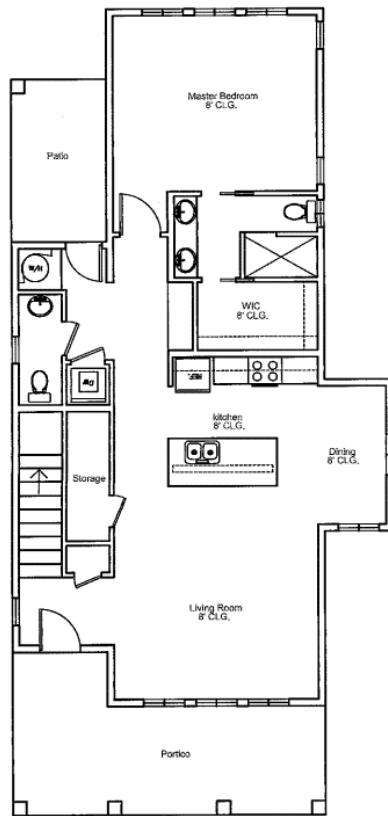
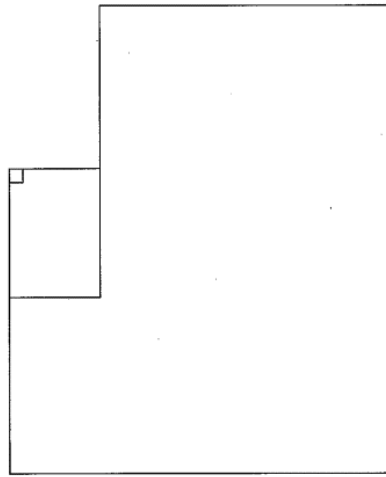
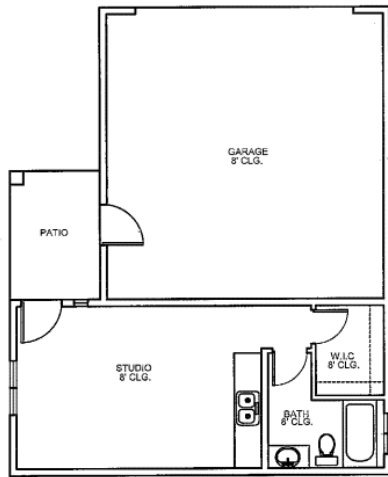
ATTACHMENT B SITE PLAN



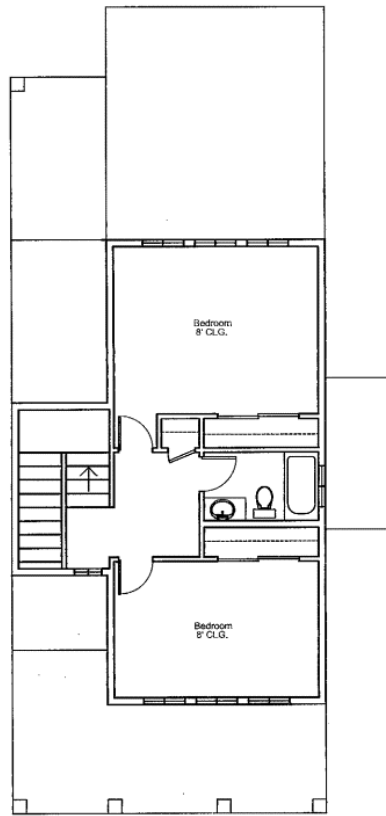
Lot #	Required Width ft.	Requested Width ft.	Required Min. sq. ft.	Requested sq. ft.
1	50	38	6,000	5,320
2	50	38	6,000	5,320
3	50	44.66	6,000	n/a (meets min.)

ATTACHMENT C CONCEPTS OF HOMES

Alley



FIRST FLOOR
SCALE: 1/4"=1'-0"



SECOND FLOOR
SCALE: 1/4"=1'-0"

2nd Avenue



ATTACHMENT D AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 04/02/21
- 300' Vicinity Mailing: 03/24/21
- Site Posted on: 04/14/21
- 34 Commenting/Reviewing Agencies Noticed:
03/24/21
- Hearing Date: 04/22/21
- Comments Due: 04/05/21

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	03/24/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	03/23/21	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	03/24/21	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	03/24/21	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	03/23/21	X		
Building Safety	YES	04/06/21	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	03/24/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
PUBLIC COMMENT

03/30/21

Hello Bob,

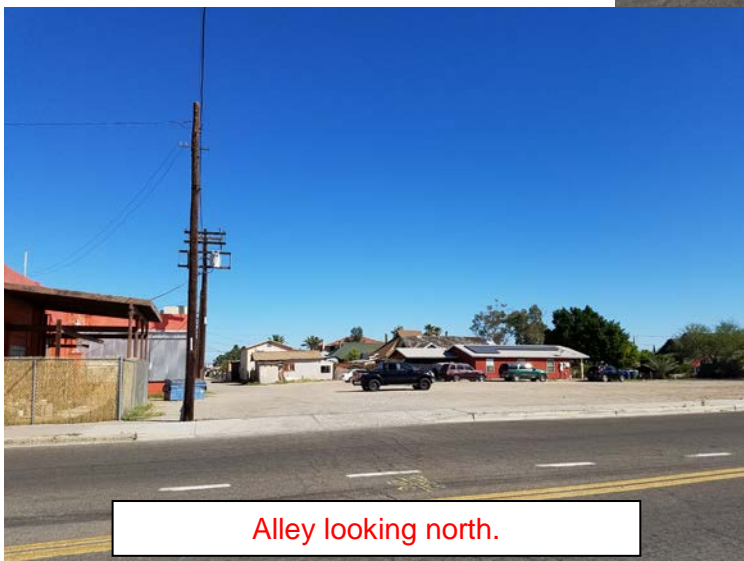
As the owner of 721 Orange Ave, I would like to personally extend my support for the development at 780 S. 2nd Ave. The aforementioned area is in desperate need of better building aesthetic code enforcement along with quality housing development. New homes in combination with restoration of historic homes is a perfect blend of progress that makes Yuma a more attractive and inviting place to live, work and play.

Please do not inhibit active investors and developers from improving our community while existing homeowners in the same area contribute to the blight without recourse.

Respectfully,

Gregory LaVann II

ATTACHMENT F
SITE PHOTOS



ATTACHMENT G
AERIAL PHOTO

4th Avenue



8th Street